

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of YVENNIE G. KING and U.S. POSTAL SERVICE,  
GENERAL MAIL FACILITY, Jacksonville, Fla.

*Docket No. 97-2484; Submitted on the Record;  
Issued May 11, 1999*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether the Office of Workers' Compensation Programs properly determined that appellant had not established a recurrence of disability.

The Board has reviewed the record and finds that the case is not in posture for decision.

The record indicates that appellant filed an occupational disease claim on September 23, 1991, alleging that her duties as a letter sorting machine operator contributed to her carpal tunnel syndrome. The Office accepted the claim for right carpal tunnel syndrome, and scapholunate dissociation. Appellant returned to work in a light-duty position.

On August 24, 1996 appellant filed an occupational disease claim (Form CA-2) alleging that repetitive motion from writing, casing mail and keying had contributed to an injury.<sup>1</sup> She indicated that she first became aware that the condition was caused or aggravated by her employment on April 26, 1995.

The filing of the Form CA-2 and the information provided by appellant indicates that she was claiming that her modified job duties aggravated her condition. The record contains a memorandum from the Office acknowledging that appellant was claiming that her modified duties affected her condition, but the Office concluded that the claim should be considered a claim for a recurrence of disability. A recurrence of disability includes a work stoppage caused by a spontaneous material change in the employment-related condition without an intervening

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<sup>1</sup> Appellant described the nature of the condition as scapholunate dissociation.

injury.<sup>2</sup> Office procedures clearly indicate that if new work factors are implicated, even if the same part of the body is affected, a claim for a new injury should be filed.<sup>3</sup>

In addition to erroneously characterizing the claim as a claim for recurrence of disability, the March 18, 1997 Office decision does not properly review the evidence of record. The memorandum accompanying the decision stated, “there was no evidence received in support of this claim for a recurrence,” without discussing any specific medical evidence. As part of the Office’s adjudicatory function, a final decision should make appropriate findings of fact and discuss the relevant evidence, in order to adequately set forth the basis of the denial of the claim.<sup>4</sup> Appellant has submitted medical evidence with respect to continuing treatment of her condition, and yet the Office does not discuss the probative value of any specific medical reports of record.

Accordingly, the Board finds that the March 18, 1997 Office decision fails to properly address the relevant issues and fails to provide adequate notice to appellant of the basis for the decision. The case will be remanded to the Office for further development as an occupational illness claim. After such further development, the Office should issue an appropriate decision addressing the evidence of record.

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<sup>2</sup> See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Recurrences*, Chapter 2.1500.3 (January 1995).

<sup>3</sup> *Id.* This section notes that there may be circumstances when a claimant may submit a recurrence of disability claim (Form CA-2a) rather than filing a new occupational injury claim, citing the example of a claimant with carpal tunnel syndrome who returns to work and whose repetitive activities result in the need for surgery. This does not mean that such a situation constitutes a recurrence of disability claim, but rather that the Office may accept a Form CA-2a as an occupational claim rather than requiring the claimant to file an additional form.

<sup>4</sup> See *James B. Bowers, III*, 44 ECAB 121 (1992); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.4 (March 1997).

The decision of the Office of Workers' Compensation Programs dated March 18, 1997 is set aside and the case remanded for further action consistent with this decision of the Board.

Dated, Washington, D.C.  
May 11, 1999

David S. Gerson  
Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member